

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

COMPOUND PROPERTY  
MANAGEMENT LLC, et al.,

Plaintiffs,

v.

Case No. 1:19-cv-133  
JUDGE DOUGLAS R. COLE

BUILD REALTY, INC., et al.,

Defendants.

**ORDER**

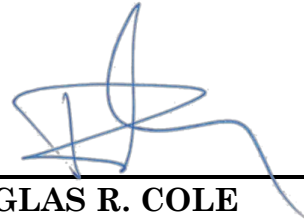
This cause comes before the Court on Plaintiffs' Unopposed Motion To Sever And Dismiss Declaratory Judgment Claims Against Five Mile Capital Partners LLC and Smith, Graham & Co. Investment Advisors, L.P. (Doc. 156). In the Motion, Plaintiffs seek to dismiss the three remaining counts that are alleged against those two Defendants (Counts V, VI, and VII), but continue with all remaining claims (including those three counts) as against the other Defendants in this action. Plaintiffs correctly recognize that Fed. R. Civ. P. 21, rather than Fed. R. Civ. P. 41, is the correct mechanism for accomplishing this goal. Accordingly, as the Motion is unopposed, the Court **GRANTS** the Motion (Doc. 156). The Court thus **SEVERES** the three counts, but only to the extent those counts are alleged against Defendants Five Mile Capital Partners, LLC ("Five Mile") and Smith, Graham & Co. Investment Advisors, L.P. ("Smith Graham"), and then dismisses the severed counts without prejudice. The end result is that Defendants Five Mile and Smith Graham are hereby **DISMISSED WITHOUT PREJUDICE** from this action. All claims (including

Counts V, VI, and VII) shall proceed against the remaining Defendants in this action, consistent with the Court's previous Orders.

**SO ORDERED.**

February 17, 2021

**DATE**



---

**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**